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## Comments To Senate Agricultural Committee - May 15, 2014

Approximately half a century ago, my grandfather bought a farm in Genesee County. Since that time he has raised dairy cattle. He, along with one of my uncles, currently farms around 400 acres of which the family owns over half.

During my childhood when we went to visit, it seemed every year there were more and more new houses being built. While his is not the last farm in the area, there is a lot less open land than there used to be. Situations like his were why thirty years ago, Michigan passed the Right to Farm Act giving nuisance immunity to pre-existing farms crowded out by development. The Act has been amended several times since then to extend immunity to new and expanding farms and to extend beyond immunity to local ordinance pre-emption to allow the starting and expanding of farms in areas that would otherwise prohibit it.

As part of allowing this new right, the state wisely placed a requirement that all new or expanding farms follow generally accepted agricultural management practices (or GAAMPs) in order to maintain this protection. The idea was that farms that could show they were not a nuisance in how they ran their operations should be protected from being labeled a nuisance by the court system or by local government.

But over the last few years a shift has emerged in the way the Commission of Agriculture treats the GAAMPs. Instead of writing rules that tell farmers how to operate no matter where they are and not be a nuisance, the Commission has treated farming, and especially farm animals, as if it is always a nuisance. Instead they have focused the GAAMPs on telling farmers where they should and should not farm. The result is overreaching, and frankly devastating, for Michigan residents who operate and want to operate small farms. But it doesn't end there.

My grandfather's farm was built, as many were a century ago, directly across the street from another farm house. Both were built way too close to the street considering modern 55mph speed limits, but that was not an issue a century ago. The problem is that the farm across the street was sold for development and hence the farm house is no longer attached to the farm: it is a non-farm residence. Now the Commission of Agriculture, with the latest change in Site Selection GAAMPs, says that makes my grandfather's property not fit for farming. It is now defined as a "primarily residential area."

While the title of the GAAMP suggests it should only affect new operations, its language suggests that it may also affect existing farms. Already in the last few weeks several farmers with whom I am in contact (myself included) have received notice from local governments that they intend to use this new language to shut our farms down. In fact, our local government has filed with the court a copy of the GAAMP claiming that it allows them to fine me for having had miniature goats last summer, animals that we have not even had on the farm since January.

Maybe the courts will ultimately rule that existing farms are grandfathered under the old rule, I don't know, but even if they do we will have lost something. The Commission of Agriculture (along with Michigan Farm Bureau) have labeled thousands of Michigan family farms, including my parents' and grandfather's farms, as nuisances. They have endorsed the idea that farming is inherently bad, inherently dirty, inherently smelly; that farming (even of a single chicken) must be kept as far away (over a third of a mile) from our homes as possible.

This is not what the GAAMPs were meant to do. They were meant to give guidance to farmers: to help us make sure that no matter where we were located, we were not a nuisance to our neighbors; to limit times of manure and pesticide spreading in order to limit (and when possible eliminate) drift that would bother neighbors; to clarify that animals close to neighbors needed to be in pastures rather than feedlots; to limit harvesting hours to the greatest extent possible to those that would not keep anyone awake at night; and to recognize that even dairy cows can be kept in a way that neighbors barely notice and that the closer you are to neighbors, the more careful you have to be in how you care for your plants and animals. But this is not how the GAAMPs are being used. Instead they are being used as a weapon, a weapon to label our farms as inappropriate, as somewhere they should not be, and as a nuisance. Now, not only is my grandfather's farm (his life's work and living) not protected, the State of Michigan has painted a target on his back saying "we consider his farm a nuisance," and perhaps that is worse than having no Michigan Right to Farm Act at all.

A handwritten signature in dark ink, appearing to be "J. R. Q." or similar, written in a cursive style.